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October 11, 2017

VIA E-MAIL

Sergio Gonzalez
City Manager
City of Hermosa Beach

Re: Hermosa Beach Fire Association
Grievance/Arbitration

Mr. Gonzalez

This office will be representing the Hermosa Beach Fire Association in the upcoming arbitration proceedings regarding the Fire Captain's 10% administrative pay.

Pursuant to Article 52 of the Memorandum of Understanding, we request that the City of Hermosa Beach make the following current and former employees of the City available to testify at said hearing: Vanessa Godinez, Human Resource Manager; Robert Blackwood, former Interim Assistant to the City Manager; Tom Bakaly, former City Manager; John Jalili, former City Manager; Vicki Copeland; Director of Finance; Pete Bonano, Fire Chief; Daphne M. Anneet, City Negotiator; Brian Grebbean, Fire Captain; Michael Garofano, Fire Captain; Aaron Marks, Fire Captain; James Crawford, Fire Captain; Steven Ramirez; Paramedic. The arbitration hearing is currently scheduled for October 24, 2017; we request that all of the above people be made available on that date.

We are also requesting the following documents be produced to this office within ten (10) days:

1. Copies of all Memorandum of Understandings between the City of Hermosa Beach and the Hermosa Beach Firefighters Association from 2010 to present;
2. Copies of all Memorandum of Understandings between the City of Hermosa Beach and the Hermosa Beach Firefighters Association, or draft of said documents, that reference "PERSable" or "Not Persable" from 2010 to present;
3. Copies of all Side Letter Agreements between the City of Hermosa Beach and the Hermosa Beach Firefighters Association from 2010 to present;
4. Copies of all agreement entered into with Fire Captains regarding 40 hour Administrative Captain positions, for the time period of January 1, 2010, to present;
5. Copies of all staff reports regarding proposed changes to the Memorandum of Understandings between the City of Hermosa Beach and the Hermosa Beach Firefighters Association from 2010 to present;

6. Copies of all IT records/copies of all electronic communications between representatives of the City of Hermosa Beach, (including, but not limited to Thomas Bakaly, John Jalili, Vicki Copeland, Vanessa Godinez, Robert Blackwood, members of the Hermosa Beach City Council, Pete Bonano, and/or David Lantzer) and the California Public Employees Retirement System (CalPERS) regarding any pay and/or benefit for members of the Hermosa Beach Firefighters Association for the time period of January 1, 2014, to present;
7. Copies of all electronic communications between representatives of the City of Hermosa Beach, (including, but not limited to Thomas Bakaly, John Jalili, Vicki Copeland, Vanessa Godinez, Robert Blackwood, members of the Hermosa Beach City Council, Pete Bonano, and/or David Lantzer) and the Hermosa Beach Firefighters Association regarding any pay and/or benefit for members of the Hermosa Beach Firefighters Association for the time period of January 1, 2014, to present;
8. Copies of all lists of payroll codes for employees of the Hermosa Beach Fire Department for the period of January 1, 2014 to present; and
9. Copies of any and all evidence the City will be submitting at the grievance hearing.

To the extent the City does not want to produce said documents as part of the arbitration proceedings, please consider this as a request, under the California Public Records Act (Government Code §6250, et seq.) for these records. As you are aware the City of Hermosa Beach has instituted an Internet and E-mail Policy (Administrative Memorandum, IT-1) that establishes that "All communications transmitted on the E-Mail system are the property of the City and are subject to disclosure under the Public Records Act," and that "E-mail communications are not confidential." (A copy of said Administrative Memorandum is attached).

Additionally, as to any electronic mail messages that may be covered by this request, please note the effect of the passage of Proposition 59, which added Article I, section 3(b) to the California Constitution, to effectively neutralize the "deliberative process," exemption for electronic and other written communications among agency employees.

We ask for a determination on this request within ten (10) days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record(s) in question. If you determined that any or all of the information qualifies for an exemption from disclosure, we ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information. If you determined that some but not all of the information is exempt from disclosure and that you intend to withhold it, we ask that you redact if for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

Please note, if we are required to bring suit in order to obtain these records, we are entitled to attorney fees under Section 6259.

If you would like to discuss this matter further, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ Corey W. Glave

COREY W. GLAVE

ADMINISTRATIVE MEMORANDUM

TO: All Employees with Computer Access **FUNCTION:** Information Technology
FROM: Viki Copeland, Finance Director
SUBJECT: Internet and E-mail Policy **NO.:** IT-1

Purpose:

This policy establishes guidelines for use of the Internet and e-mail by employees who have access authorized by the City.

General Policy:

The City of Hermosa Beach provides computer resources and Internet access to its employees for legitimate City business pursuits to communicate, access knowledge, and retrieve and disseminate information relevant to their assigned duties.

Employees are given Internet and/or e-mail access only with express permission from their department head. All employees using the Internet and/or e-mail are required to read and sign this Internet and E-mail Policy. A copy will be kept in the employee's personnel file. If employees have any additional questions and/or concerns about the proper use of the Internet and/or e-mail, they should consult their Department Director for further guidance.

Internet:

Certain sites on the Internet contain information that is not appropriate for City use and should not be accessed. Inappropriate uses include but are not limited to adult forums, sexually-explicit material, games, unsolicited advertising, conducting personal business, and malicious behavior. It is not acceptable to access or use chat rooms.

Downloaded information shall be limited to messages, mail, and data files. No software programs shall be downloaded without prior approval of the Information Technology Division (IT). Should downloading occur in error, the program file should not be run. IT should be notified immediately.

ISSUED: 04/01/08

Any software or other material available on City computers may be used only in a manner consistent with licenses and copyrights of the vendors, authors or owners of the material.

The responsibility to maintain adequate storage and the deletion of old data is the responsibility of the employee.

Newsgroups and Listservs (electronic discussion groups) should be used with restraint. While they are excellent resources for gaining and sharing information with other professionals, they can place heavy demands on storage space.

It is not acceptable to use the City of Hermosa Beach Internet access to interfere with or disrupt network users, services, or equipment. Disruptions include, but are not limited to: distribution of unsolicited advertising, propagation of computer worms and viruses, and using the network to make unauthorized entry to any other computers accessible via the network.

Employees should take care to avoid plagiarism when using information obtained from the Internet.

E-mail:

City employees who have been provided e-mail capability for business purposes have an obligation to read incoming messages promptly and to respond to them in a prompt and professional manner.

Communications must conform to recognized standards of business etiquette.

All communications transmitted on the E-mail system are the property of the City and are subject to disclosure under the Public Records Act.

The City reserves the right to access, use and disclose for whatever reason, all messages sent over its E-mail system.

E-mail communications are not confidential; therefore, they should not contain any confidential City information. Other means of communication should be used to distribute confidential information.

City employees shall not send mass e-mailings to all employees without written authorization from the Department Director.

All copyrights and other intellectual property rights that are in any way related to City activities and that are created by City employees while they are employed by the City of Hermosa Beach are the exclusive property of the City.

Incidental and occasional personal use of the E-mail system is permitted, but employees are reminded that they do so at their own risk and such messages are subject to the access and disclosure statement set forth in the policy above. As such, it is recommended that any personal communications be limited to that incidental to business such as a thank you note or a birthday greeting to a colleague.

City employees are allowed to check their e-mail from other locations. At the end of the session, they should sign off and close the browser window.

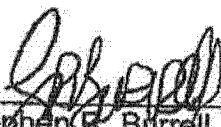
It is unacceptable to transmit e-mail without identifying the sender and/or to send derogatory, harassing, offensive, defamatory or unprofessional messages.

City employees shall not create new Web sites or obtain Internet services outside of the City without written approval from the City Manager.

E-mail accounts and passwords shall not be shared with other employees. The user named person will be responsible for all activity involving their username.

Violation of Policy:

Any violation of this policy may result in loss of computer access and disciplinary action up to, and including, termination.



Stephen R. Burrell,
City Manager



Viki Copeland
Finance Director



City of Hermosa Beach
1315 Valley Drive, Hermosa Beach, CA 90254
310.318-0203 - Fax 310.372-6186
Email: lcastillo@hermosabch.org



Received By: cc
Referred To: CM, HR, FD, Fin.
Date Referred: 10-12-17

Public Records Request

The City of Hermosa Beach encourages public participation in the governing process and provides reasonable accessibility to all public records except those documents which are exempt from disclosure by express provisions of law or considered confidential or privileged under the law. The City is under no obligation to respond to requests which are not focused or specific. The City may withhold documents which are exempt from disclosure under state or federal law, including the attorney—client privilege or any other applicable privilege. The City, in accordance with Government Code Section 6253(b), has ten (10) days to respond to any request for public documents by indicating whether or not the documents exist and will be made available. Actual production of the documents may take somewhat longer depending upon their ease of availability and staff workload. To assist us in providing a timely response to your request, please fill out the form below and indicate the specific record/document you wish to review.

Name (please print): Corey W. Glave	Email: POAattorney@aol.com
Address: 1042 2nd Street	Phone: 323-547-0472
City: Hermosa Beach, CA 90254	Fax:

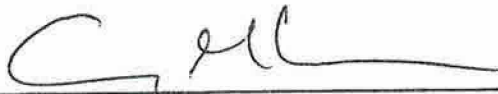
Record or Document Requested:

To assist the City with your request, please identify each requested record/document separately. Please be as specific as possible. Non specific inquiries may cause responses to be delayed or may prove to be burdensome and therefore the City may not be able to respond. (Additional sheets may be used) **Submit all requests to the City Clerk's Office.**

See Attachment

Photocopies are \$0.20 per page (Mailing fee, if applicable is \$3.00 plus postage). Fees must be paid before records are released.

I agree to pay all applicable fees and charges per the City Council Resolution of Fees for any copies I request of the above mentioned document. *Accepted method of payment:* Cash or check. Credit card accepted in person only.


Signature

10/11/2017
Date

For Departmental Use Only:

Action Requested:

☐ Review Only
☐ Copies Requested

Action Taken:

☐ Document Reviewed
☐ Copies Provided
☐ Refusal/Reason

By

Date

☐ Non-Existent Document
☐ Other (Please Explain)

For City Clerk's Use Only:

Date Requestor Notified _____ **Notified By:** _____ **Date Picked Up or Mailed** _____

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